

REMARKS

Lack of antecedent basis

The Examiner complains about lack of antecedent basis in each of claims 44, 45, and 46. The Examiner complains about a supposed lack of clarity in each of those claims.

In the Office Action dated December 29, 2006, the Examiner stated that claims 44, 45, and 46 would be allowable if rewritten in independent form. In reliance upon this statement by the Examiner, the undersigned rewrote each of these three claims in independent form.

It is noted that the substantive content of claims 44, 45, and 46 is unchanged since the application was originally filed. Thus, to the extent there was a lack of antecedent basis in these claims, or a lack of clarity in these claims, such defect existed in the claims as filed. Yet the Office Action dated December 29, 2006 did not raise any issue of lack of antecedent basis, nor any issue of lack of clarity, in any of these claims.

To respond to these complaints, the undersigned has amended each of claims 44, 45, and 46. It is believed that the amendments overcome any issue of antecedent basis.

The Examiner states that that claims 45 and 46 are supposedly “confusing” because supposedly the nozzles of the claimed apparatus “consist of and are limited [sic] the following elements – a leading edge, metering surface and end seals”. This supposedly means that the nozzles must incapable of rotating, the reason being that this portion of the claim does not recite rotation. The argument, apparently, is that because this portion of the claim does not list something, it cannot be there. This is not so. The claim makes clear that the nozzles are rotatable, in the last line of the claim. That is all that is needed to make the nozzles rotatable.

The Examiner puts forth the view that rotatability of the nozzles is supposedly not found in the specification, because supposedly the only rotation is that of pin 3. But the rotatable nature of the nozzles is fully supported in paragraph 49 of the specification, where it is explained that “the frame rotates 180 degrees to change from one nozzle 55 to the other.” It is further explained that this rotation takes place about the axis of a shaft 15.

Reconsideration of these grounds of rejection is requested.

Art rejection

The Examiner rejects claims 44, 45, and 46 as supposedly rendered obvious by a two-way combination of a US Pat. No. 5948477 to Madrak et al. (“Madrak”) and a US Pat. No. 4869933 to Sollinger et al. (“Sollinger”).

Each of claims 44, 45, and 46 has a “return trough”, a “return funnel”, and a “coating tank”.

The Examiner apparently proposes to match Madrzak's “collector surface 4” with the “return trough” of the claims.

The Examiner apparently proposes to match Madrzak's “collector bin 5” with the “return funnel” of the claims.

It is noted that Madrzak's collector bin 5 is not, by any stretch of imagination, a “funnel”. A funnel is defined in a dictionary as a cone-shaped utensil with a tube at the apex for conducting liquid or other substance through a small opening, as into a bottle, jug, or the like. In the claim, it conducts undeposited coating to a coating tank.

But Madrzak's collector bin 5 does not have a “tube at the apex” nor does it “conduct fluid” to anywhere else, let alone to a “coating tank”. At least, the Examiner has not explained where the defined features of a funnel are found in the collector bin 5.

But then we reach the “coating tank” of the claims. And the Examiner has not explained what, in Madrzak, supposedly counts as a “coating tank”. Indeed the Examiner skips over the “coating tank” in the Examiner's analysis.

The Examiner is invited to explain, with citation to page and line, where the “coating tank” can supposedly be found in Madrzak, or in the alternative to withdraw the art rejection. The undersigned did a text search and was unable even to find the word “tank” anywhere in Madrzak.

Note, too, that even if the Examiner were to find a supposed “coating tank” in Madrzak, this would not

be enough. The Examiner would also have to find in the reference the interrelationship that is recited in the claim. For example the supposed funnel of Madrzak would have to “collect undeposited coating from the return trough” and “return” it to the supposed coating tank of Madrzak.

While a two-way combination can sometimes be employed to render a claim unpatentable, it cannot work if an entire element (here, the “coating tank”) is completely missing from any of the references being combined.

Likewise, it cannot work if a recited relationship between elements (here, that the funnel “returns” something to a coating tank) is completely missing from the references. The collector bin 5 does not “return” anything to anywhere else, so far as the undersigned can understand from the Examiner.

Reconsideration is requested.

Respectfully submitted,

/s/

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